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DEPARTMENT FOR EAP/MLS; L/EAP

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SUBJECT: GVN Responds on Repatriation Agreement

Ref: A) Hanoi 1964; B) State 124911

11. (SBU) On October 6, Embassy received the GVN's response to the draft repatriation agreement post delivered to the MFA on August 2 (Refs A and B). The GVN: seeks to replace the term "relevant authorities/officials" with "competent authorities/officials;" presented for USG consideration a standard form as provided for in the agreement's Annex 2; and, requested that the language "all documents and translation will be certified by the competent U.S. authorities" be reinserted in Article 4(1). Full text of the GVN's response is in paragraph 2. Post scanned and e-mailed the GVN's proposed standard form to EAP/MLS.

12. (SBU) Begin text of GVN's response:

No. 704/LS-PL

The Consular Department of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America in Vietnam and has the honor to forward its reflects concerning the Draft Agreement on the Readmission of Vietnamese Nationals (enclosed with the latter's diplomatic note No 0790/06 on August 1, 2006) as follows:

-- 1. The Vietnamese side appreciates and does agree in substance with the text revised by the U.S. side.

-- 2. As regards the Preamble of the draft Agreement (4th paragraph), the words "relevant authorities" is used in the English version, while the phrase "co quan co tham quyen" (competent authorities) is used in the Vietnamese version; also in Article 5(3), the words "relevant Vietnamese officials" is used in the English version, while "cac vien chuc Viet Nam co tham quyen" (competent Vietnamese officials) is used in the Vietnamese one. For the purposes of interpretation and implementation of this Agreement, the Vietnamese side is of the view that the words "relevant authorities" and "relevant officials" may have wider meaning than that of "competent authorities" and "competent officials." Therefore, in line with the context and purposes of this Agreement, the U.S. side is invited to make its comments on a possible replacement of the adjective "relevant" used in the Preamble and Article 5(3) of the English version by the adjective "competent."

-- 3. The U.S. side has added a new provision in sub-paragraph 2 of Article 4(1) of this Draft Agreement concerning standard forms to be completed by a person concerned as provided in "Annex 2 of this Agreement." Regarding this "Annex 2 of this Agreement," the Vietnamese side has already drafted and enclosed it with this note for the comment by the U.S. side. In addition to that, the U.S. is also advised to preserve the existing provision phrased in the last sentence of Article 4(1) stipulating that "all documents and translation will be certified by the competent U.S. authorities" as previously agreed in the earlier texts exchanged between the two sides. If it appears that some modifications or clarifications regarding this provision are nevertheless necessary to the U.S.

side, the Vietnamese side will be willing to have further discussion with the U.S. side on this issue.

The Consular Department of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam avails itself of this opportunity to renew to the Embassy of the United States of America in Hanoi the assurances of its highest consideration.

Hanoi, October 3, 2006

End text of response.

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